

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:) Case No. 17-10514-TPA
)
B.L. Gustafson, LLC d/b/a Gus's Guns, d/b/a) Chapter 11
Priority Care Ambulance, d/b/a Brian Gustafson)
Rentals, d/b/a B.L. Gustafson Excavation, d/b/a)
Brynwood Farm,) Related to Doc. No. 121
Debtors)
)
Kubota Credit Corporation, USA,)
Movant)
)
vs.)
)
B.L. Gustafson, LLC d/b/a Gus's Guns, d/b/a)
Priority Care Ambulance, d/b/a Brian Gustafson)
Rentals, d/b/a B.L. Gustafson Excavation, d/b/a)
Brynwood Farm,)
Respondent)
)
and)
)
United States Trustee,) Date and Time of Hearing:
Additional Respondent) March 22, 2018 at 8:00 a.m.

DEBTOR'S ANSWER TO MOTION FOR RELIEF FROM AUTOMATIC STAY

AND NOW, this 12th day of March, 2018, comes the Debtor, by and through its counsel, Knox McLaughlin Gornall & Sennett, P.C., with this Answer to the Movant's Motion for Relief from Automatic Stay, as follows:

FIRST DEFENSE

Paragraphs 1, 2, 3, 5 and 6 are admitted. The Debtor is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraphs 7, 8 and 9, which are therefore denied. Paragraphs 4 and 10 are also denied. The allegation in Paragraph 11 represents a legal conclusion to which no response is required. To the extent that a response is required, paragraph 11 is denied.

SECOND DEFENSE

12. The loan and security documents attached to the Motion as Exhibits A and B are in the name of Ralph R. Gustafson, Brian Gustafson's father. There is no document signed by or on behalf of the Debtor B.L. Gustafson, LLC or Brian Gustafson individually.

13. The Motion was not served upon Ralph L. Gustafson. Ralph L. Gustafson's name does not appear on the Certificate of Service attached to the Motion.

14. Ralph L. Gustafson is believed to be represented by James P. Miller, Esquire, 607 West Main Street, Smethport, Pennsylvania 16749.

15. It is believed and therefore averred that Ralph L. Gustafson had entered into a payment plan with the Movant and has been making payments on this claim.

THIRD DEFENSE

16. The Debtor leases the equipment from Ralph L. Gustafson.

17. The equipment is necessary for an effective reorganization.

18. The value of the equipment is believed to be greater than the debt.

WHEREFORE, the Debtor requests that the Motion be denied; and, that the Debtor have such other and further relief as is reasonable and just.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.
Attorneys for Debtor

By: /s/ Guy C. Fustine
Guy C. Fustine
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 12th day of March, 2018, a copy of the Debtor's Answer to the Movant's Motion for Relief from Automatic Stay was served by first class, United States mail, postage pre-paid, and/or electronic service as set forth on the attached service list.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.
Attorneys for Debtors

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SERVICE LIST

Via US Mail:

B.L. Gustafson, LLC
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Smethport, PA 16749

Internal Revenue Service Insolvency Unit
P.O. Box 628
Pittsburgh, PA 15219

Kubota Credit Corp.
U.S. Steel Tower
600 Grant Street
44th Floor
Pittsburgh, PA 15219

Christopher Poorman and
Bobbie Joe Poorman
1650 Market Street, 52nd Floor
Philadelphia, PA 19103

Thomas Ball, CPA
P.O. Box 1503
Smethport, PA 16749

Ralph L. Gustafson
160 Jane Ware Road
Smethport, PA 16749

James P. Miller, Esquire
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Via CM/ECF:

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on Behalf of the United States Trustee
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